

DOCKET NO.: IBIS-0007

PATENT

OCT 28 1999



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**Ecker, Griffey, Crooke, Sampath, Swayze, Mohan, Hofstadler and McNeil**

Serial No.: **09/076,404**

Group Art Unit: **1618**

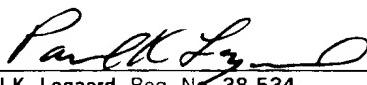
Filed: **May 12, 1998**

Examiner: **M. Garcia**

For: **MODULATION OF MOLECULAR INTERACTION SITES ON RNA AND OTHER BIOMOLECULES**

I, **Paul K. Legaard**, Registration No. **38,534** certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On **October 26, 1999**

  
\_\_\_\_\_  
**Paul K. Legaard** Reg. No. 38,534

Assistant Commissioner for  
Patents  
Washington, D.C. 20231

Dear Sir:

**RESPONSE TO THE RESTRICTION REQUIREMENT**

The present Response is filed in response to the Restriction Requirement mailed October 4, 1999 in connection with the above-identified patent application.

The Examiner has restricted claims 1-20 into three groups. Group I contains claims 1-10 and 17-20 drawn to methods of identifying compounds which modulate biomolecule activity. Group II contains claims 12 and 15 drawn to methods of using a compound to modulate biomolecule activity. Group III contains claims 11, 13, 14, and 16 drawn to compounds , which are identified by the methods of Group I.

Applicants elect herein group I containing claims 1-10 and 17-20 directed to methods of identifying compounds which modulate biomolecule activity with traverse. In order for an application to be properly required to be restricted, there must be a serious burden on the Examiner

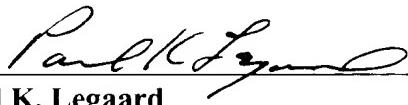
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(see, MPEP §803). Applicants believe, however, that claims 11, 13, 14 and 16(Group III) must be examined along with claims 1-10 and 17-20. No amount of undue burden to the Patent Office is presented since the subject matter of Group I must be searched for Group III as well. Accordingly, Applicants respectfully request that the Restriction Requirement be reconsidered and that claims 1-11, 13, 14, and 16-20 be examined.

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. § 121.

Respectfully submitted,

  
**Paul K. Legaard**  
Registration No. 38,534

Date: **October 26, 1999**

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**In Re Application of:**

Ecker, Griffey, Crooke, Sampath, Swayze,  
Mohan, Hofstadler and McNeil

**Serial No.:** 09/076,404

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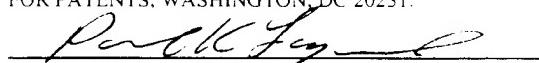
**Filing Date:** May 12, 1998

**Examiner:** M. Garcia

**For:** MODULATION OF MOLECULAR INTERACTION SITES ON RNA AND  
OTHER BIOMOLECULES

DATE OF DEPOSIT: 26 Oct 1999

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
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TYPED NAME: Paul K. Legaard  
REGISTRATION NO.: 38,534

Box  NON-FEE  
 AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

**AMENDMENT TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified patent application is:

- A Preliminary Amendment.
- An Response to the Restriction Requirement Dated October 4, 1999.
- An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- Other: \_\_\_\_\_.

- Small entity status of this application under 37 C.F.R. 1.9 and 1.27 was established in a previous submission.
- A Statement Claiming Small Entity Status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
- An Abstract is enclosed.
- \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
- A Certified Copy of each of the following applications: \_\_\_\_\_ is enclosed.
- An Associate Power of Attorney is enclosed.
- Information Disclosure Statement.
  - Attached Form 1449.
  - A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- Appended Material as follows: \_\_\_\_\_.
- Other Material as follows: \_\_\_\_\_.

## FEE CALCULATION

- No Additional Fee is Due.

			SMALL ENTITY		NOT SMALL ENTITY		
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	Fee	RATE	Fee
TOTAL CLAIMS	20	20 (20 MINIMUM)	0	\$9 EACH	\$0	\$18 EACH	\$
INDEP. CLAIMS	3	3 (3 MINIMUM)	0	\$39 EACH	\$0	\$78 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$130	\$0	\$260	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$0	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$190	\$0	\$380	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$435	\$0	\$870	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$680	\$0	\$1360	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$925	\$0	\$1850	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID			minus	(\$ 0 )	minus	(\$ )	
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:				0			
TOTAL FEE DUE				0			\$

- A Check is Enclosed in the Foregoing Amount Due.
- Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).
- The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit

account 23-3050. This sheet is provided in duplicate.

- The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- The Foregoing Amount Due for Filing this Paper.
- Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: *26 October, 1999*

*Paul Legaard*  
\_\_\_\_\_  
Paul K. Legaard  
Registration No. 38,534

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